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09/800,330	03/06/2001	Dwayne Dames	6169-143	2967
40987 7590 07/30/2007 AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER CAMPBELL, JOSHUA D	
			ART UNIT 2178	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/800,330

**Applicant(s)**

DAMES ET AL.

**Examiner**

Joshua D. Campbell

**Art Unit**

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 5/30/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to communications: Request for continued examination filed on 5/30/2006.
2. Claims 1-33 are pending in this case. Claims 1, 13, 14, 22, and 33 are independent claims. Claims 1, 13, 14, 22, and 33 have been amended.
3. The rejection of claims 1, 2, 4, 6-9, 12, 22, 24, 26-29, and 32 under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (hereinafter Saito, US Patent Application Publication Number 2001/0042083, filed on August 13, 1998) in view of Rowe et al. (hereinafter Rowe, US Patent Number 6,073,148, filed on November 10, 1998) have been withdrawn due to amendments. A new rejection has been presented below for these claims.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1 and 13 now state "...wherein the template indicates at least one of topic, meaning, and purpose of the information contained in a particular data field," which does not appear to be enabled by the specification. The specification does not provide any support for the content markers indicating a topic, meaning, and/or purpose of the information in a particular data field. Rather the specification merely states that the template contains content markers, the content markers consist of types and can be associated with particular actions (page 24, lines 1-22 of Applicant's Specification), no further definition of the template identifying "topic, meaning, and purpose of information" is provided. In fact, the terms topic, meaning, and purpose of information are never even discussed in the specification. Regardless of the lack of support for the amendment, the examiner has provided clarification in the rejection as to why the current art applied still provides support for a full rejection of the claims in an effort to further prosecution. However, a proper correction for the lack of enablement is required.

Claims 14, 22, and 33 still state "...wherein the at least one content marker further indicates at least one of topic, meaning, and purpose of the information contained in a particular data field," which does not appear to be enabled by the specification. The specification does not provide any support for the content markers indicating a topic, meaning, and/or purpose of the information in a particular data field. Rather the specification merely states that the content marker can contain information about the type of data to which the marker points and the length or end point of the data (page 14, lines 19-20 of Applicant's Specification), no further definition for the contents

of the content marker is provided. The specification also states that the template contains content markers, the content markers consist of types and can be associated with particular actions (page 24, lines 1-22 of Applicant's Specification), no further definition of the template identifying "topic, meaning, and purpose of information" is provided. In fact, the terms topic, meaning, and purpose of information are never even discussed in the specification. Regardless of the lack of support for the amendment, the examiner has provided clarification in the rejection as to why the current art applied still provides support for a full rejection of the claims in an effort to further prosecution. However, a proper correction for the lack of enablement is required.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1-12 and 22-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (hereinafter Saito, US Patent Application Publication Number 2001/0042083, filed on August 13, 1998) in view of Rowe et al. (hereinafter Rowe, US Patent Number 6,073,148, filed on November 10, 1998) and further in view of Guck (US Patent Number 5,911,776, issued June 15, 1999).

**Regarding independent claim 1,** Saito discloses a method in which a template is identified which corresponds to a specified document in which the document includes formatted content (page 3, paragraphs 0042-0045 of Saito). Saito discloses that the template is a customizable by the user (user-defined search template) to get different

combinations of data from the content markers (page 1, paragraphs 0006-0007 and page 5, paragraphs 0050-0055 of Saito). The template is applied to the document and an application extracts data from the formatted content and formats the data based upon the template in which the formatting produces a second document in a target format (page 3, paragraphs 0042-0045 of Saito). Saito discloses a method in which templates have a content marker for locating data in which the content marker has an identifier for identifying data within the formatted content that corresponds to a specific topic (page 1, paragraph 0002 and page 5, paragraphs 0050-0055 of Saito). Saito discloses multiple embodiments for the user-defined (customizable) search templates, one of which is based upon key text found in the content (page 5, paragraph 0055 of Saito). The key text is a collection of key words deemed relevant to the content based on certain predetermined rules. The key text is thus a topical representation of the content that was searched, this key text then exists as a content marker in the template which is linked to the content which it represents (page 5, paragraph 0055 of Saito).

Saito does not disclose a method in which the marker identifies an offset for determining content. However, Rowe discloses a method in which a marker identifies an offset to be used to obtain the necessary content from a document (column 31, line 56-column 32, line 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito and Rowe because it would have provided a way to efficiently request specific portions of a document.

Neither Saito nor Rowe disclose a method in which the second document is formatted in audible format to be presented. However, Guck discloses a method in which the newly formatted document is converted into an audio format for IVR systems and sent to a speech interface (column 4, lines 17-38 of Guck). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito and Rowe with the teachings of Guck because it would have allowed for formats to be specified based on the format that a user had the ability to access, thus it would have made the content available to a larger audience.

**Regarding dependent claim 2,** Saito discloses a method in which the data is unformatted data (page 3, paragraphs 0041-0042 of Saito).

**Regarding dependent claim 3,** neither Saito nor Rowe disclose a method in which the document is a web page accessed using HTTP with a location specified by a URL. However, Guck discloses a method in which the document requested is a web page accessed using HTTP from a location specified by a URL (column 10, lines 7-46 of Guck). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the methods of Saito and Rowe with the method of Guck because web pages, HTTP, and URLs would have provided a simple way for remote users to access documents.

**Regarding dependent claim 4,** Saito discloses a method in which the document is conveyed and presented through a user interface to a client (page 3, paragraph 0039 of Saito).

**Regarding dependent claim 5**, neither Saito nor Rowe disclose a method in which the interface is a speech interface. However, Guck discloses a method in which the newly formatted document is converted into an audio format for IVR systems and sent to a speech interface (column 4, lines 17-38 of Guck). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito and Rowe with the teachings of Guck because it would have allowed for formats to be specified based on the format that a user had the ability to access, thus it would have made the content available to a larger audience.

**Regarding dependent claims 6 and 7**, Saito discloses a method in which templates have a content marker for locating data in which the content marker has an identifier for identifying data within the formatted content (page 1, paragraph 0002 and page 5, paragraph 0050 of Saito). Saito does not disclose a method in which the marker identifies an offset for determining content. However, Rowe discloses a method in which a marker identifies an offset to be used to obtain the necessary content from a document (column 31, line 56-column 32, line 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito and Rowe because it would have provided a way to efficiently request specific portions of a document.

**Regarding dependent claims 8-9**, Saito discloses a method in which the formatted content is in HTML (page 3, paragraphs 0042-0045 of Saito).

**Regarding dependent claims 10-11**, neither Saito nor Rowe disclose a method in which the second document is formatted in audible format to be presented



(VoiceXML). However, Guck discloses a method in which the newly formatted document is converted into an audio format for IVR systems and sent to a speech interface (column 4, lines 17-38 of Guck). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito and Rowe with the teachings of Guck because it would have allowed for formats to be specified based on the format that a user had the ability to access, thus it would have made the content available to a larger audience.

Guck does not disclose that the format used is specifically VoiceXML, however as stated in the applicant's own specification (page 3, line 12-page 4, line 12 of Applicant's specification) VoiceXML was a well-known audio presentation language used to transcode HTML documents into audio format. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used VoiceXML when converting HTML documents of Guck into IVR audio document because it would have provided a simple way of converting the documents without having to reformat the content.

**Regarding dependent claim 12**, Saito discloses a method in which the second document and the specified document are of a different modality (page 3, paragraphs 0042-0045 of Saito).

**Regarding independent claim 22 and dependent claims 23-32**, the claims incorporate substantially similar subject matter as claims 1-12. Thus, the claims are rejected along the same rationale as claims 1-12.

**Regarding independent claim 33**, Saito discloses a method in which a template is identified which corresponds to a specified document in which the document includes formatted content (page 3, paragraphs 0042-0045 of Saito). Saito discloses that the template is customizable by the user (user-defined search template) to get different combinations of data from the content markers (page 1, paragraphs 0006-0007 and page 5, paragraphs 0050-0055 of Saito). The template is applied to the document and an application extracts data from the formatted content and formats the data based upon the template in which the formatting produces a second document in a target format (page 3, paragraphs 0042-0045 of Saito). Saito discloses a method in which templates have a content marker for locating data in which the content marker has an identifier for identifying data within the formatted content that corresponds to a specific topic, and content markers are ordered based on the order in which the data is presented (Figure 15, page 1, paragraph 0002, and page 5, paragraphs 0050-0055 of Saito). Saito discloses multiple embodiments for the user-defined (customizable) search templates, one of which is based upon key text found in the content (page 5, paragraph 0055 of Saito). The key text is a collection of key words deemed relevant to the content based on certain predetermined rules. The key text is thus a topical representation of the content that was searched, this key text then exists as a content marker in the template which is linked to the content which it represents (page 5, paragraph 0055 of Saito).

Saito does not disclose a method in which the marker identifies an offset for determining content. However, Rowe discloses a method in which a marker identifies

an offset to be used to obtain the necessary content from a document (column 31, line 56-column 32, line 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito and Rowe because it would have provided a way to efficiently request specific portions of a document.

Neither Saito nor Rowe disclose a method in which the template corresponds to a specific markup language and the second document is this formatted into the markup language different than the original or that the content is formatted for audible presentation. However, Guck discloses a method in which a template (shadow file) corresponds to a document and a specific document format that includes markup languages, and when a document is requested by format the template is used to format the content of the original document into the specific markup language (SGML, XML, HTML, etc.) (column 4, line 40-column 5, line 24 and Figure 8 of Guck). Guck also discloses a method in which the newly formatted document is converted into an audio format for IVR systems and sent to a speech interface (column 4, lines 17-38 of Guck). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito and Rowe with the teachings of Guck because it would have allowed for formats to be specified based on the device or program used to access the data, thus it would have made the content available to a larger audience.

7. Claims 13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (hereinafter Saito, US Patent Application Publication Number 2001/0042083, filed on August 13, 1998) in view of Guck (US Patent Number 5,911,776, issued June 15, 1999).

**Regarding independent claim 13,** Saito discloses a method in which formatted content is located in a document (page 1, paragraph 0002 and page 5, paragraph 0050 of Saito). Saito discloses that a template is constructed corresponding to the data location corresponding to a content marker in which the template corresponds to the document (page 1, paragraph 0002, page 3, paragraphs 0042-0045, and page 5, paragraph 0050 of Saito). Saito discloses that the template is customizable by the user (user-defined search template) to get different combinations of data from the content markers (page 1, paragraphs 0006-0007 and page 5, paragraphs 0050-0055 of Saito). Saito also discloses that the templates are mapped to their corresponding document using a table (Figure 5 and page 3, paragraph 0043 of Saito). Saito discloses a method in which templates have a content marker for locating data in which the content marker has an identifier for identifying data within the formatted content that corresponds to a specific topic (page 1, paragraph 0002 and page 5, paragraphs 0050-0055 of Saito). Saito discloses multiple embodiments for the user-defined (customizable) search templates, one of which is based upon key text found in the content (page 5, paragraph 0055 of Saito). The key text is a collection of key words deemed relevant to the content based on certain predetermined rules. The key text is thus a topical representation of the content that was searched, this key text then exists as a content

marker in the template which is linked to the content which it represents (page 5, paragraph 0055 of Saito).

Saito does not disclose a method in which the template corresponds to a specific markup language and the second document is this formatted into the markup language different than the original. However, Guck discloses a method in which a template (shadow file) corresponds to a document and a specific document format that includes markup languages, and when a document is requested by format the template is used to format the content of the original document into the specific markup language (SGML, XML, HTML, etc.) (column 4, line 40-column 5, line 24 and Figure 8 of Guck). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito and Guck because it would have allowed for formats to be specified based on the device or program used to access the data, thus it would have made the content available to a larger audience.

**Regarding independent claim 14,** Saito discloses a method in which templates exist for extracting formatted content from corresponding documents and a table is used to associate the templates with the corresponding documents (Figure 5 and page 3, paragraph 0043 of Saito). Saito discloses that the template is a customizable by the user (user-defined search template) to get different combinations of data from the content markers (page 1, paragraphs 0006-0007 and page 5, paragraphs 0050-0055 of Saito). Saito discloses a method in which templates have a content marker for locating data in which the content marker has an identifier for identifying data within the formatted content that corresponds to a specific topic (page 1, paragraph 0002 and

page 5, paragraphs 0050-0055 of Saito). Saito discloses multiple embodiments for the user-defined (customizable) search templates, one of which is based upon key text found in the content (page 5, paragraph 0055 of Saito). The key text is a collection of key words deemed relevant to the content based on certain predetermined rules. The key text is thus a topical representation of the content that was searched, this key text then exists as a content marker in the template which is linked to the content which it represents (page 5, paragraph 0055 of Saito).

Saito does not directly disclose a buffer for receiving documents, a formatter for formatting the data using the target markup language, or that the content is formatted for audible presentation. However, Guck discloses a method in which a template (shadow file) corresponds to a document and a specific document format that includes markup languages, and when a document is requested by format the template is used to format the content of the original document into the specific markup language (SGML, XML, HTML, etc.) (column 4, line 40-column 5, line 24 and Figure 8 of Guck). Guck also discloses a method in which the newly formatted document is converted into an audio format for IVR systems and sent to a speech interface (column 4, lines 17-38 of Guck). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito and Guck because it would have allowed for formats to be specified based on the device or program used to access the data, thus it would have made the content available to a larger audience.

**Regarding dependent claims 15 and 16,** Saito discloses a method in which templates have a content marker for locating data in which the content marker has an

identifier for identifying data within the formatted content (page 1, paragraph 0002 and page 5, paragraph 0050-0055 of Saito).

**Regarding dependent claims 17 and 18**, Saito discloses a method in which the formatted content is in HTML (page 3, paragraphs 0042-0045 of Saito).

**Regarding dependent claim 19 and 20**, Saito does not disclose a method in which the second document is formatted in VoiceXML. Saito does not disclose a method in which the second document is formatted in VoiceXML. However, Guck discloses a method in which the newly formatted document is converted into an audio format for IVR systems and sent to a speech interface (column 4, lines 17-38 of Guck). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito and Guck because it would have allowed for formats to be specified based on the format that a user had the ability to access, thus it would have made the content available to a larger audience.

Guck does not disclose that the format used is specifically VoiceXML, however as stated in the applicant's own specification (page 3, line 12-page 4, line 12 of Applicant's specification) VoiceXML was a well-known audio presentation language used to transcode HTML documents into audio format. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used VoiceXML when converting HTML documents of Guck into IVR audio document because it would have provided a simple way of converting the documents without having to reformat the content.

**Regarding dependent claim 21**, Saito discloses a method in which the second document and the specified document are of a different modality (page 3, paragraphs 0042-0045 of Saito).

### ***Response to Arguments***

8. Applicant's arguments filed 5/15/2007 have been fully considered but they are not persuasive.

Regarding the applicant's arguments on page 11, paragraph 2, regarding the rejection of claims 1-33 under 35 U.S.C. 112, first paragraph, the amendments to claims 1 and 13 do not overcome the lack of enablement issues presented. The specification does not provide any support for the content markers indicating a topic, meaning, and/or purpose of the information in a particular data field. Rather the specification merely states that the template contains content markers, the content markers consist of types and can be associated with particular actions (page 24, lines 1-22 of Applicant's Specification), no further definition of the template identifying "topic, meaning, and purpose of information" is provided. In fact, the terms topic, meaning, and purpose of information are never even discussed in the specification. As far as independent claims 14, 22, and 33 are concerned, the amendment was not propagated into these claims, thus they are rejected along the same ground as the last rejection, which is presented above. Proper correction is required.

Regarding the applicant's arguments on pages 12-18, regarding the limitations regarding the determination of order of the at least one content marker, the examiner



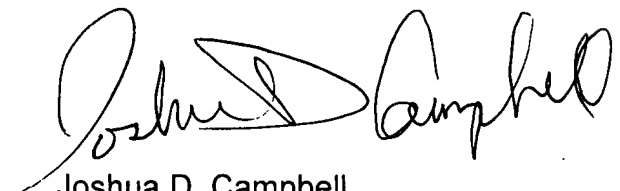
maintains that the current art provides teaching to reject the claimed invention. In each an every one of the independent claims, it is stipulated that a template contains at least one content marker (claims 1, 14, 22, and 33), also stated as one or more content markers (claim 13). The claims then proceed to state that the presentation order of at least one content marker will be identified and data will be extracted and formatted based on that presentation order. It is important to understand that the idea of identifying the presentation order of at least one content marker (due to the need for broadest reasonable interpretation at least one will be interpreted to mean "one") is a step that is automatically accomplished by the teachings of Saito. When Saito teaches that one content marker is used to extract data (page 1; paragraph 0006-0007 of Saito), then it is inherently performed in the original order and thus extracted and formatted in accordance with said identified original order. This is due to the fact that one singular item does not have an order, or in other words has only one capable order, thus if any processing occurs on one singular item it is processed in the correct order. Thus, due to the attempt to maintain a very broad set of limitations by using the language "at least one," and "one or more," which can both be broadly interpreted as "one," the applicant has taken the differences in functionality between the claimed invention and the prior art references out of the limitations. Thus, at this time the rejection as presented properly rejects the claimed invention. It is suggested by the examiner that the applicant consider providing more detail to the claimed limitations to make it necessary (rather than optional) for a template to contain multiple contain markers in order to overcome the rejection as currently stated.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Joshua D. Campbell  
July 13, 2007